

**AN ORDINANCE BY  
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 106, ARTICLE IV, DIVISION 1, SECTION 106-127, ENTITLED "SOLICITATION FOR AN ILLICIT SEXUAL ACT", TO CREATE A PRE-TRIAL INTERVENTION AND DIVERSION PROGRAM, TO BE ADMINISTERED BY THE CITY OF ATLANTA SOLICITOR'S OFFICE FOR THE PURPOSE OF ENDING THE DEMAND FOR PROSTITUTION THROUGH THE EDUCATION OF ELIGIBLE DEFENDANTS; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta has an interest in maintaining the health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

**WHEREAS**, O.C.G.A. § 15-18-80 authorizes the prosecuting attorney (the City of Atlanta Solicitor) for a municipal court to create and administer a Pre-Trial Intervention and Diversion Program for offenses within the jurisdiction of such municipal courts; and

**WHEREAS**, the purpose of any Pre-Trial Intervention and Diversion Program is to provide an alternative to prosecuting offenders in the criminal justice system (O.C.G.A. § 15-18-80 (b)); and

**WHEREAS**, it is the desire of the City of Atlanta to establish a new Pre-Trial Intervention and Diversion Program to be known as the City of Atlanta John School Program for the purpose of educating to end the demand for prostitution; and

**WHEREAS**, the participants in the City of Atlanta Johns School Program would be those persons who have been adjudicated or have plead guilty or nolo contendere to the offense of idling and loitering for the purpose of committing an illicit sexual act, but who have not yet had a judgment of guilt entered against them; and

**WHEREAS**, the City of Atlanta Johns School Program would educate participants on the legal consequences of subsequent offenses, the vulnerability of both the "john" and the prostitute while involved in prostitution, the health risks associated with prostitution for both the "john" and the prostitute, how "pimps" recruit, control and exploit women and children for profit, the link between local street prostitution and larger systems of trafficking, how women and girls are objectified in our society, the adverse consequences that co-occur with street prostitution, how to identify sexual addiction and where to get help, coping skills and alternatives to meet sexual needs outside the sex trade industry, the likelihood of re-arrest and consequences, adjustment of personal perceptions about victimless sex crimes, and networking and on-going support.

**WHEREAS**, entry into the City of Atlanta Johns School Program would be at the discretion of the City of Atlanta Solicitor based upon written guidelines (O.C.G.A. § 15-18-80 (c)); and

**WHEREAS**, in implementing the City of Atlanta Johns School Program, the City of Atlanta Solicitor must create written guidelines for acceptance into and administration of the program, which must include, but are not limited to, consideration of the nature of the crime, the prior

arrest record of the offender, and the notification and response of the victim (O.C.G.A. § 15-18-80 (d)); and

**WHEREAS**, the City of Atlanta Solicitor cannot accept any offender into the City of Atlanta Johns School Program for an offense for which the law provides a mandatory minimum sentence of incarceration or imprisonment that cannot be suspended, probated, or deferred (O.C.G.A. § 15-18-80 (e)); and

**WHEREAS**, in implementing the City of Atlanta Johns School Program, the City of Atlanta Solicitor is authorized to assess and collect from each offender who enters the program a fee not to exceed \$300.00 for the administration of the program, and any such fee must be made payable to the general fund of the City of Atlanta (O.C.G.A. § 15-18-80 (f)); and

**WHEREAS**, by administering the City of Atlanta Johns School Program, the City of Atlanta Solicitor is authorized by State law to collect restitution on behalf of victims, and any such restitution collected must be made payable to and disbursed by the clerk of the City of Atlanta Municipal Court (O.C.G.A. § 15-18-80 (g)); and

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:**

**Section 1:** That Chapter 106, Article IV, Division 1, Section 106-127, of the City of Atlanta Code of Ordinances be amended to delete subsection 106-127(d)(7) in its entirety and to replace it with the following language:

**(7)     *Diversion Program***

- a. Upon a verdict or plea of guilty or a plea of nolo contendere, but before an adjudication of guilt, the sentencing court may, in its discretion, without entering a judgment of guilt and with the consent of the defendant, defer further proceeding and enroll the defendant in an educational program administered by the City Solicitor's Office in accordance with Official Code of Georgia Annotated 15-18-80, and designed to address issues related to idling and loitering for the purpose of committing an illegal sexual act and/or prostitution.**
- b. Upon fulfillment of the terms of the educational program, including a showing that the defendant has not violated this Code Section for a period of one year, the defendant shall be discharged without court adjudication of guilt.**
- c. The City Solicitor's Office is authorized to assess and collect from each defendant who enters the program a fee as set forth in O.C.G.A. 15-18-80 for the administration of the program. Any such fee collected shall be deposited into the City of Atlanta General Fund.**

**Section 2:** That Chapter 106, Article IV, Division 1, Section 106-127, of the City of Atlanta Code of Ordinances be amended to add a new subsection 106-127(d)(8) which shall read as follows:

- (8) **With the exception of those fees collected in accordance with 106-127(d)(7), all fines paid to and collected by the city's courts pursuant to conviction under this section shall be deposited to the Inmate Welfare Program Trust Fund, 3PO2494008121CL9999, to defray the cost of inmate programs and services in the department of corrections.**

**Section 3:** The amendments in this ordinance shall become effective immediately upon the Mayor's signature.

**Section 4:** Should it be found that any ordinance or parts of any ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Stephanie Davis

Contact Number: (404) 330-6494

Originating Department: Mayor's Office

Committee(s) of Purview: Public Safety and Legal Administration

Anticipated Committee Meeting Date(s): July 29, 2008

Anticipated Full Council Date: September 2, 2008

Legislative Counsel's Signature: s/Amber A. Robinson

Commissioner Signature: \_\_\_\_\_

Chief Procurement Officer Signature: N/A

CAPTION

AN ORDINANCE TO AMEND CHAPTER 106, ARTICLE IV, DIVISION 1, SECTION 106-127, ENTITLED "SOLICITATION FOR AN ILLICIT SEXUAL ACT", TO CREATE A PRE-TRIAL INTERVENTION AND DIVERSION PROGRAM, TO BE ADMINISTERED BY THE CITY OF ATLANTA SOLICITOR'S OFFICE FOR THE PURPOSE OF ENDING THE DEMAND FOR PROSTITUTION THROUGH THE EDUCATION OF ELIGIBLE DEFENDANTS; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: \_\_\_\_\_

(date)

Received by LC from CPO: \_\_\_\_\_

(date)

Received by Mayor's Office: 7.16.08

(date)

Reviewed by: [Signature]

(date)

Submitted to Council: \_\_\_\_\_

(date)